

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHAWN THOMAS JONES,

Defendant.

Case No. 21-CR-118-JFH

OPINION AND ORDER

Before the Court is a motion to dismiss the indictment (“Motion”) filed by the United States of America (“Government”). Dkt. No. 75. The Government requests leave to dismiss the indictment [Dkt. No. 11] without prejudice as to Defendant Shawn Thomas Jones (“Defendant”). *Id.* The Government states Defendant objects to the Motion. *Id.* Defendant filed a response stating he “objects to the Government’s motion to preserve the record” but “does not intend to file a formal, written response to the [Motion].” Dkt. No. 76.

The Government seeks dismissal without prejudice because Defendant’s two related state court convictions and their accompanying life sentences have been reinstated. Dkt. No. 75 at 2. The Government states “[b]ecause [Defendant] will now be incarcerated for the rest of his life, the United States has no need to seek [his] conviction in federal court.” *Id.* It includes a footnote noting that it requested dismissal *without* prejudice “as a pure prophylactic matter in case for some unknown reason [Defendant’s] state convictions are reversed.” *Id.* at 2.

Under Fed. R. Crim. P. 48(a), “courts must grant prosecutors leave to dismiss charges unless dismissal is clearly contrary to manifest public interest.” *United States v. Robertson*, 45 F.3d 1423, 1437 n.14 (10th Cir. 1995) (quoting *Rinaldi v. United States*, 434 U.S. 22, 30 (1977)).

The Court concludes that dismissal of the charges against Defendant is not contrary to the public interest, nor is it for an improper purpose. The Government's motion to dismiss should be granted.

IT IS THEREFORE ORDERED that the Government's motion to dismiss the indictment [Dkt. No. 75] is GRANTED and the Indictment [Dkt. No. 11] is dismissed without prejudice as to Defendant Shawn Thomas Jones.

IT IS FURTHER ORDERED that the United States Marshals Service is directed to coordinate with Oklahoma state officials to transfer Shawn Thomas Jones back to state, rather than federal, custody.

Dated this 10th day of January 2023.

A handwritten signature in black ink, appearing to read "John F. Heil, III", is written over a horizontal line.

JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE